

Markus Gilch, et al
Serial No.: 10/804,819
Amdt. dated March 2, 2006
Reply to Office Action of 12/19/05

ARGUMENTS/REMARKS

In the Office Action, claims 16, 18-21 and 23-27 were rejected under 35 USC 112, first paragraph, for reciting subject matter "mass of air flowing" and "mass of air flow" appearing respectively in claims 16 and 27, which subject matter, according to the Examiner, is not disclosed by the present specification. This ground of rejection is overcome by amending the offending language to read "air mass flow", which is a quotation of text appearing on page 7, Line 13 of the specification. Since the language of the amended claims 16 and 27, which lead to the rejection under 35 USC 112, first paragraph, is now the same as the corresponding language of the specification, there is adequate support in the specification for the claim language so as to overcome the rejection.

Claims 16, 18, 21 and 23-27 were rejected under 35 USC 103(a) as unpatentable over Steinmann (USP 4,508,021) or Anderson (USP 3,028,800) or DE 4100817 or admitted prior art (page 2, lines 6-8 of present specification), and further in view of any one of Eguchi (US 4,437,391), Fukui (US 4,352,321), or Kettner (US 5,971,287) or Baruschke (US 5,934,987) on the grounds set forth in the Office Action.

Claims 19 and 20 were rejected under 35 USC 103(a) as unpatentable over any of the prior art as applied to claim 18, and further in view of Passur (USP 2,224,407) for the reasons stated in the Office Action.

The claims are believed to distinguish over the teachings of the cited art, considered individually or in combination, and are believed to have allowable subject matter in view of the following argument.

The closest prior art with respect to the present inventive air conditioning system is disclosed by Steinmann (US 4,508,021), Anderson (US 3,028,800) and DE 41 00817 A1. None of these documents disclose an air recirculation between the passenger department and the air conditioning system. Additionally, they do not disclose actuating fans and opening flaps operating in such a recirculation system.

Accordingly, the subject matter of the independent claims 16 and 27 are novel over the above references.

The prior art documents Fukui (US 4,352,321), Eguchi (US 4,437,391) and Baruschke (US 5,934,987) are only remotely related to the present invention. These documents disclose complex air conditioning systems configured to prevent an intake of polluted air into the passenger compartment. To this end, an air recirculation is used so that further income of outside polluted air is prevented while still clean inside air is recirculated. However, these documents do not consider simple constructions of

air conditioning systems, the use of air mass flow rate sensors, the interpretation and the use of data provided by the same, and means for comfortably adjusting the air intake to the passenger compartment.

Therefore, the subject matter of the independent claims 16 and 27 are also novel over these references.

Also Kettner (US 5,971,287) is only remotely related to the present invention. The disclosed complex air conditioning system is based on an energy evaluation of the fresh air and the recirculated air using the specific enthalpy of both the fresh air and the recirculated air.

Therefore, the subject matter of the independent claims 16 and 27 are also novel over this reference.

The simple and effective air conditioning systems of Steinmann (US 4,508,021), Anderson (US 3,028,800) and DE 41 00 817 are directed to the intake of fresh air into the passenger compartment. But there is no discussion in this art of a recirculation of the air that is recited in both of the independent claims. Accordingly, no motivation can be derived from the teaching of the above documents to feed already used air again into the passenger compartment. This approach substantially contradicts the purpose of the systems described in the above documents. Accordingly, there is no need for the skilled person to combine subcomponents of for example Fukui, Eguchi, Baruschke or Kettner with the closest prior art.

Additionally, the prior art documents Fukui, Eguchi, Baruschke and Kettner lead the skilled person away from the present invention. These documents propose complex systems including composition analysis of the air which is fed into the passenger compartment. In case, however, the skilled person uses such a complex approach, he does not arrive at such a simple air conditioning system as disclosed by the present invention.

Further, the Examiner's combination of the prior art references appears to be based on a retrospective approach. Without any motivation, air conditioning systems are combined which belong to completely different levels of complexity. Further, single subsystems of these complex air conditioning systems are added to Steinmann, Anderson and/or DE 41 00 817 A1 although such a combination is not rendered obvious by the teaching of the cited prior art in any way.

The foregoing argument applies also to the claims depending from claim 16.

Based on the above argumentation it appears that the present invention is not obvious over the cited prior art references.

In the event there are further issues remaining in any respect the Examiner is respectfully requested to telephone attorney to reach agreement to expedite issuance of this application.

Applicants respectfully request that a timely Notice of Allowance should be issued in this case.

Since the present claims set forth the present invention patentable and distinctly, and are not taught by the cited art either taken alone or in combination, this amendment is believed to place this case in condition for allowance and the Examiner is respectfully requested to reconsider the matter, enter this amendment, and to allow all of the claims in this case.

Respectfully submitted

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CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that the Amendment Upon Final Rejection is being facsimile transmitted to the Patent Office on March 3, 2006. 

 Signed by Martin A. Farber

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